

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD BROWN, et al.,)
vs.)
Plaintiff,) Cause No. 4:14-cv-00388 RWS
vs.)
MARVIN PEEBLES MASONRY, INC.,)
Defendant.)

**MOTION TO QUASH NOTICE OF RULE 69 DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW Movant, Marvin Peebles, Jr., and for his Motion to Quash Notice of Rule 69
Deposition and Request for Production of Documents, states as follows:

1. On December 6, 2017, Plaintiff's attorneys mailed a Rule 69 Deposition and Request for Production of Documents to Movant, Marvin Peebles, Jr., setting a deposition, for "a representative of Marvin Peebles, Jr." on January 11, 2018. (See attached Exhibit A).

2. The Rule 69 Deposition and Request for Production of Documents should be quashed for the following reasons:

A. The judgment debtor in the above matter is Marvin Peebles Masonry, Inc.; however, the notice calls for a Deposition and Request for Production of Documents from "a representative of Marvin Peebles, Jr."

B. Document request 1 through 9 requests documents regarding the assets of Marvin Peebles Masonry, Inc. Said information has been previously provided Plaintiff during the litigation and/or post litigation proceedings. In particular, a judgment debtor deposition was previously taken of Marvin Peebles Masonry, Inc. Nothing has changed of the status of the business. In fact, the judgment debtor is no longer in business. Any additional documentation or additional Examination of Defendant, Marvin Peebles Masonry, Inc., is irrelevant and serves no purpose other than to harass Movant, Marvin Peebles, Jr.

C. Document Request 10 through 18 seek documents and information regarding a company called Trinity Masonry, Inc. Movant, Marvin Peebles, Jr., has no interest in Trinity Masonry, Inc., and does not have access to these documents. Trinity Masonry, Inc., is not, nor was it ever a party to these proceedings. Plaintiff cannot require Movant to testify or bring documents to a third party, which is not a part of this litigation.

WHEREFORE, Movant, Marvin Peebles, Jr., requests this Court to Quash Notice of Rule 69 Deposition and Request for Production of Documents set for January 11, 2018, at 10:00 a.m.; and for such other and further relief as this court deems just and proper.

VOGLER & ASSOCIATES, LLC

By: /s/ Michael A. Kasperek
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on this ____ day of December, 2017, upon ____ the Clerk of the Circuit Court of the County of St. Charles, via CM/ECF; and upon ____ Greg A. Campbell, Attorney for Plaintiff, via first class mail, postage pre-paid, to 13205 Manchester Rd., Suite 210, St. Louis, MO 63131.

/s/ Michael A. Kasperek
MICHAEL A. KASPEREK

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